

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROGER J. STONE, JR.,

Defendant.

Criminal No. 19-cr-18-ABJ

GOVERNMENT'S NOTICE REGARDING REPORT OF THE SPECIAL COUNSEL

The United States of America submits this notice to the Court regarding the steps taken by the Justice Department to comply with Local Criminal Rule 57.7 and this Court's orders regarding extrajudicial statements in light of the public release of a redacted version of the Special Counsel's report to the Attorney General.

Local Criminal Rule 57.7(b)(1) states that it is the duty of a lawyer or law firm "not to release or authorize the release of information or opinion which a reasonable person would expect to be disseminated by means of public communication, in connection with pending or imminent criminal litigation with which the lawyer or the law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice." In addition, Rule 57.7 authorizes the Court "[i]n a widely publicized or sensational criminal case" to "issue a special order governing such matters as extrajudicial statements by parties, witnesses and attorneys likely to interfere with the rights of the accused to a fair trial by an impartial jury." Pursuant to that authority, on February 15, 2019, this Court entered an order stating that "[c]ounsel for the parties and the witnesses must refrain from making statements to the media or in public settings that pose a substantial likelihood of material prejudice to this case." Dkt. No. 36, at 3.

On March 22, 2019, the Special Counsel delivered his confidential report to the Attorney General pursuant to 28 C.F.R. § 600.08. Since that time, the Justice Department has been preparing the report for release, making the redactions that are required. The redactions to the Special Counsel's report include redactions made in consideration of Local Rule 57.7(c) and the Court's order so that the public release of the Special Counsel's report as redacted does not pose either a "substantial likelihood of material prejudice to this case," Dkt. No. 36, at 3, or a "reasonable likelihood" of "interfer[ing] with a fair trial or otherwise prejudic[ing] the due administration of justice," Local Crim. R. 57.7(b)(1). On April 15, 2019, the Department announced that it anticipates release of the report on April 18, 2019.

Once the redacted version of the report has been released to the public, the Justice Department plans to make available for review by a limited number of Members of Congress and their staff a copy of the Special Counsel's report without certain redactions, including removing the redaction of information related to the charges set forth in the indictment in this case. This version of the report will not be made available "to the media" or "in public settings," consistent with the Court's February 15 order. In addition, this version of the report will not be "disseminated by means of public communication" pursuant to Local Criminal Rule 57.7(b)(1). Nor will copies of the less redacted report be disseminated to Members of Congress or their staff in the first instance. Rather, the Justice Department intends to secure this version of the report in an appropriate setting that will be accessible to a limited number of Members of Congress and their staff. If those Members of Congress ask to be provided with copies of this version of the Special Counsel's report, or portions of it, such that there exists a reasonable likelihood that the information related to the charges set forth in the indictment in this case may be available to the

media, or accessible in a public setting, or “disseminated by means of public communication,” the Justice Department will seek guidance from the Court prior to acting on that request.

Respectfully submitted,

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Dated: April 17, 2019